

Appln No.: 10/711,590
Amendment dated November 18, 2005
Reply to Office Action of August 19, 2005

REMARKS/ARGUMENTS

The Office Action of August 19, 2005, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 15, 17, 20, 31, 37, 46, 51, 52, 56 and 59 have been amended, claims 48 and 57 have been canceled without prejudice or disclaimer, and no new claims have been added. Claims 1-47, 49-56, and 58-61 thus remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Statutory Double Patenting

Claims 48 and 57 stand rejected under 35 U.S.C. § 101 based on statutory-type double patenting over U.S. Pat. No. 6,907,255. Applicant has canceled claims 48 and 57 by the present amendment, thereby rendering the rejection moot.

Nonstatutory Double Patenting

Claims 46, 49, 56, and 61 stand rejected under the nonstatutory judicially created doctrine of double patenting over U.S. Pat. No. 6,907,255. In order to expedite prosecution of the present application, Applicant submits a terminal disclaimer concurrently herewith, thereby rendering the rejection moot. In addition, Applicant notes that claims 46 and 49 also presently stand rejected under 35 U.S.C. § 103(a), discussed below. Applicant herein traverses the rejection of claims 46 and 49, and make no admission that such a rejection could be applied to the issued claims of the '255 patent.

Rejections Under 35 U.S.C. § 102

Claims 1, 3, 7-11, 13, 17, 20, 22, 26-31, 33-37, 39, and 42-45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Henrick *et al.* (U.S. Pat. No. 6,507,727, hereinafter Henrick). Applicant respectfully traverses this rejection for at least the following reasons.

In order to reject a claim as anticipated under 35 U.S.C. §102, a single prior art reference must teach every aspect of the claimed invention. MPEP § 706.02. Amended claim 1 now recites, inter alia, "a content server establishing a *direct wireless connection* with a mobile unit," which is neither taught nor suggested by Henrick. (emphasis added). Henrick describes, at best, a mobile

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device that connects to a content server only partially using wireless communications, but once the mobile device connects to traditional networks, e.g., the Internet, communications are relayed to the content server via traditional wired networks. See Henrick, Fig. 1, col. 4, lines 17-23. Claim 1, on the other hand, requires that the connection be a direct wireless connection, as supported in the specification as filed at least at Figures 1 and 10, wherein a mobile device establishes a direct wireless connection with a content server (i.e., without traversing any wired networks). As a result of Applicant's amendment, claim 1 is not anticipated by Henrick. Dependent claims 3, 7-11, 13, and 17 are allowable for at least the same reasons as amended claim 1.

In addition, with respect to amended claim 17, Henrick does not teach or suggest a password associated with said first specific content item. Henrick merely describes traditional password usage associated with a user.

Amended claims 20, 31, and 37 recites similar language referring to establishing a direct wireless connection between a content server and a mobile unit, and are thus allowable for similar reasons as claim 1. Dependent claims 22, 26-30, 33-36, 39, and 42-45 are allowable for at least the same reasons as their respective base claims.

Rejections Under 35 U.S.C. § 103

Claims 1, 2, 12, 14-16, 18-21, 32, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wegener (U.S. Pat. No. 6,490,432) in view of Henrick. This rejection is respectfully traversed, in part because Wegener does not cure the deficiencies of Henrick.

More specifically, even if combined, the references do not teach or suggest a direct wireless connection between a content server and a mobile unit, as claimed in claims 1 and 20. Henrick is lacking as discussed above. Wegener does not cure this deficiency, and instead actually teaches that a wireline connection is to be used (see, e.g., Fig 1: Wireline Connection 22; Fig. 2: Wireline Access Interface 36).

In addition, with respect to claim 12, Wegener does not teach or suggest that a data channel is opened between the mobile unit and the remote storage device, but instead describes a system where the content server sends the content directly to another device such as a PC

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without going through the mobile device. Claim 12, however, describes a system whereby the mobile unit acts as a pass-through device, which is not taught or suggested in the references.

With respect to claim 18, the cited references neither teach nor suggest that the mobile unit forwards the link to another device, but instead describe a system whereby the content server forwards the link to another device.

Claim 19 similarly recites that the mobile unit sends the specific content item to a destination computer, which is neither taught nor suggested in the cited references.

Claims 32 and 38 are allowable at least for the same reasons as claims 31 and 37 as discussed herein.

Claims 4-5, 23-24, 40 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Henrick in view of Levy (U.S. Pat. No. 6,505,160). This rejection is respectfully traversed. Claims 4-5, 23-24, and 40-41 are allowable for at least the same reasons as their respective base claims, because Levy does not cure the deficiencies of Henrick.

Claims 6 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Henrick in view of Callway et al. (U.S. PGPUB No. US2003/0027517, hereinafter Callway). This rejection is respectfully traversed. Claims 6 and 25 are allowable for at least the same reasons as their respective base claims, because Callway does not cure the deficiencies of Henrick. Applicants reserve the right to swear behind Callway in the event the rejection is maintained.

Claims 46, 47, 49, 51, 54-56, 58-59, and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaddha (U.S. Pat. No. 6,173,317) in view of Henrick. This rejection is respectfully traversed.

Similar to claim 1, independent claims 46, 51, and 56 have been amended to refer to a direct wireless connection between a content server and a mobile unit, which is neither taught nor suggested by Henrick, as discussed above. Chaddha similarly fails to teach or suggest such a feature. Claims 47, 49, 54-55, 58-59, and 61 are allowable for at least the same reasons as their respective base claims

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Claims 50 and 60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaddha in view of Henrick and further in view of Wegener. Claims 50 and 60 are allowable for at least the same reasons as their respective based claims.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

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Dated this 18 day of Nov., 2005

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